

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-19 and 73-75 were pending in this application. Claims 3, 12, 18, 19 and 74 have been cancelled, and claims 1, 6, 11, 13, 14 and 16 have been amended hereby. Support for the amendment to the claims can be found in, at least, now-cancelled claim 12, Figure 5, and, e.g., paragraphs [0044], [0055] and [0056] of the present application. No new matter has been presented. Upon entry of this amendment, claims 1-2, 4-11, 13-17, 73 and 75 will be pending herein and are believed to be in condition for allowance for the reasons stated below.

In the Office Action claims 1-3, 5, 18-19 and 73-75 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen et al. (5,303,393) ("Noreen1") in view of Merriman et al. (5,303,393)("Merriman"); Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen1, in view of Merriman and further in view of Noreen et al. (US 2002/0183059)("Noreen2"); Claims 6-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen1 in view of Shah-Nazaroff et al. (US 2002/0053077) ("Shah") and further in view of Merriman; and Claims 11-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen1 in view of Noreen2 and further in view of Merriman.

To the extent these grounds of rejection might still be applied to the claims now pending in this application, they are respectfully traversed.

As set forth above, the claims have been amended with a specific focus, namely: how broadcasted identifiers make their way back to a central hub for processing. More specifically, claim 1, for example, recites a method for charging advertising fees that includes:

(a) broadcasting an advertisement for a sponsor in a broadcast, wherein the broadcast includes an identifier that uniquely identifies the advertisement and at least one of the sponsor of the advertisement and a product advertised in the advertisement;

(b) receiving a quantity of electronic indications from persons who observe the advertisement, wherein the indications indicate interest in the product, and wherein the indications reference the identifier, the identifier having been downloaded from an embedded memory device to a user portable device via one of a wireless and a temporary wired connection and wherein the indications are received from the user portable device; and

(c) charging the sponsor a fee for broadcasting the advertisement, wherein the fee is based on the quantity of indications that are received, and wherein the identifier is used to calculate the fee.

The underlined passage above is derived from original dependent claim 12, which is supported by, e.g., Figure 5, and paragraphs [0044], [0055] and [0056] of the application. In essence, unique identifiers that are broadcast with advertisements are first stored in memory (“embedded memory device”) of, e.g., a broadcast receiver, and then the unique identifiers are transferred to a “portable device” such as a media link/flash memory. The portable device is then used to effect the transfer of unique identifiers to a central hub for purposes of calculating a fee to charge advertisers. In other words, claim 1 (as well as independent claims 6 and 11)

require capturing the unique identifiers, transferring the identifiers to a second (portable) device, and then finally passing or loading the identifiers from the second (portable) device to a third device (e.g., a central hub, as recited in claim 11).

In the Office Action, original claim 12 was rejected based on a combination of Noreen1, Norren2 and Merriman. The specific feature of original claim 12 was alleged to be found in paragraph [0046] and Figure 1 of Noreen2. This cited passage of Noreen2 discloses land-based broadcasts being received by interactive radios in vehicles. The interactive radios allow users to send signals via a satellite to a ground station and network operations center. In response, the network operations center might send “feedback” to the users via the Internet or other computer network.

Significantly, however, Noreen2 does not disclose a distinct step of transferring, from the interactive radio, any information to a portable device such as a media link/flash memory, which information is then further relayed to a central hub/network operations center. Indeed, this step is entirely unnecessary in the methodology disclosed by Noreen2 since the interactive radios described therein have satellite communications capabilities. Notably, the instant application *also* discloses a *wireless* mechanism by which broadcast receivers can send unique identifiers to a central hub. (See, e.g., paragraph [0058] et seq.) However, the amended claims presented herein all require a portable physical device to bridge the receiver and central hub and thereby enable information to be passed from the receiver to the central hub.

Since neither Noreen2, nor any of the other prior art of record, touches on this particular feature, it is believed that all of the claims now pending herein are allowable, notice of which is respectfully urged.

Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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